

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FRANK CIARAMELLA, LILLIAN VELAZQUEZ,
ANNEMARIE WALKER, ANTONIO MARTIN,
CHRISTOPHER RUSSO, MATTHEW ADINOLFI,
JODY VIRTUOSO, YVONNE HAWKINS, BLANCA
COREAS, and BRENDA PERRY, on behalf of
themselves and all others similarly situated,

Plaintiffs,

- against -

JAMES V. MCDONALD, as Acting Commissioner of
the Department of Health,

Defendant.

No. 18 Civ. 6945 (MKV) (SC)

**[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT AND GENERAL RELEASE, AND APPROVAL OF THE PROPOSED
CLASS FAIRNESS NOTICE**

WHEREAS, the Parties have entered into a Stipulation of Settlement and General Release (the “Stipulation”) which recites the procedural history of this action;

WHEREAS, the Parties have prepared a proposed notice of the Stipulation’s preliminary approval for distribution to the Class (the “Fairness Notice”);

WHEREAS, the Court is familiar with and has reviewed the record in this Action and has reviewed the Stipulation and found good cause for entering the following Preliminary Approval Order; and

WHEREAS, Plaintiffs’ counsel of record were previously appointed as class counsel in the September 30 Order.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The Court preliminarily approves the Stipulation and the terms set forth therein.

2. The Court approves, as to form and content, the Fairness Notice, and finds that the proposed plan for distribution of the Fairness Notice set forth in the Stipulation will provide the best notice practicable under the circumstances and satisfies the notice requirements of Rule 23 of the Federal Rules of Civil Procedure, and other legal and due process requirements.

3. A hearing is appropriate to consider whether the Court should grant final approval of the Stipulation, and to allow adequate time for members of the Class to support or oppose this Stipulation. The Court will schedule a fairness hearing at least 100 days from the date of this order to permit notification of the proposed settlement to the relevant authorities pursuant to 28 U.S.C. § 1715 of the Class Action Fairness Act.

4. The Court hereby schedules a fairness hearing before this Court at _____ on _____, to determine whether the proposed settlement of this action on the terms and conditions provided in the Stipulation is fair, reasonable, and adequate to the Class and should be finally approved by the Court.

5. Any member of the Class may appear at the fairness hearing and show cause why the proposed settlement of this action as set forth in the Stipulation should or should not be finally approved as fair, reasonable, and adequate, or Class members may send a letter to the Court marked “[Dental Class Action]” and postmarked no later than _____, 2023, with copies provided to Plaintiffs’ and Defendant counsel, as provided in the Settlement Notice. Any Class member who does not make his, her, or its objection in the manner provided shall be deemed to have waived such objection to the fairness of the Stipulation.

6. The Court retains jurisdiction to consider all further applications arising out of or connected with the Stipulation. The Court may approve the Stipulation, with such

modifications as may be agreed to by the Parties, if appropriate, without further notice to the Class.

SO ORDERED.

Dated: New York, New York
May _____, 2023

HON. MARY KAY VYSKOCIL
United States District Judge